

MONDAY, APRIL 28, 1997

THIRTY-FIFTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend Enoch Fuzz, Corinthian Baptist Church.

Representative Caldwell led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present97

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Huskey; illness

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 697: Rep(s). Brooks, Beavers and Hassell as prime sponsor(s).

House Bill No. 789: Rep(s). Patton, Ford and Jackson as prime sponsor(s).

House Bill No. 1052: Rep(s). Patton, Ford and Jackson as prime sponsor(s).

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House Bill No. 1405: Rep(s). West as prime sponsor(s).

House Bill No. 1901: Rep(s). Patton, Ford and Jackson as prime sponsor(s).

ENROLLED BILLS

April 25, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 189, 190, 193, 198, 212 and 216; also, House Resolution(s) No(s). 60, 61, 62 and 63.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 25, 1997

The Speaker signed the following: House Joint Resolution(s) No(s). 189, 190, 193, 198, 212 and 216; also, House Resolution(s) No(s). 60, 61, 62 and 63.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 25, 1997

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 30 and 1030.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 25, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 204; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Resolution No. 64 -- Naming and Designating - "Tennessee Osteoporosis Prevention Week," May 11-17, 1997. by *Pruitt.

Calendar & Rules Committee

House Joint Resolution No. 219 -- Naming and Designating - "State Employee Week," June 15-21, 1997. by *Hargrove.

Calendar & Rules Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 30, 1997:

House Resolution No. 65 -- Memorials, Professional Achievement - Plant Maintenance Service Corporation, 30th anniversary. by *Miller L.

House Resolution No. 66 -- Memorials, Recognition and Thanks - The Day Family gospel singing group. by *Newton.

House Resolution No. 67 -- Memorials, Interns - Daniel Dunn. by *Scroggs, *Pleasant, *Haley, *Hargett.

House Joint Resolution No. 221 -- Memorials, Retirement - Judge William D. Field, Sr. by *Jackson.

House Joint Resolution No. 223 -- Memorials, Death - Leon Davis. by *Davis R, *Whitson.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1987 -- Hickman County - Subject to local approval, deletes provision requiring landowner to maintain but not interfere with free flow of water in ditches along roadway at landowner's expense to permit Highway department to maintain practice of placing chert and installing side drains on rights-of-way when necessary and requested. Amends Chapter 38 of the Private Acts of 1947. by *Jackson.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 22** -- Sexual Offenses - Makes unlawful sexual penetration of victim aggravated rape where defendant causes victim to be mentally incapacitated or physically helpless by use of controlled substance. Amends TCA Title 39, Chapter 13, Part 5. by *McNally, *Person, *Fowler, *Miller J, *Haun, *Rochelle, *Atchley, *Carter. (HB597)

***Senate Bill No. 643** -- Workers' Compensation - Adds representative of Tennessee Trial Lawyers Association to workers' compensation advisory board. Amends TCA Section 50-6-121. by *Person. (HB1385)

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***Senate Bill No. 647** -- Taxes, Real Property - Requires presentation of valid original paid tax receipt or other written documentation of overpayment in taxes before refund will be paid to taxpayer or taxpayer's agent. Amends TCA Section 67-5-1512(b)(2)(B). by *Person. (HB1462)

***Senate Bill No. 980** -- Education - Includes day schools in list of educational entities relative to immunizations. Amends TCA Title 49, Chapter 6, Part 50. by *Ford J. (HB1154)

***Senate Bill No. 1292** -- DUI/DWI Offenses - Authorizes judge to sentence first time DUI offenders to remove litter from highways for 48 hours in lieu of 48 hours of incarceration. Amends TCA Title 55, Chapter 10, Part 4. by *Burks, *Williams, *Rochelle, *Jordan, *Davis L., *Kurita, *Springer, *Crutchfield, *Ramsey. (HB1780)

***Senate Bill No. 1349** -- Banks and Financial Institutions - Increases fee from \$50.00 to \$100 for filing change of name or location of home or branch office of savings and loan association. Amends TCA Title 45. by *Cooper. (HB986)

Senate Bill No. 1530 -- Alcoholic Beverages - Redefines "community theater" to permit Bessie Smith Hall, Hamilton County to obtain liquor by drink permit Amends TCA Section 57-4-102. by *Crutchfield. (*HB639)

***Senate Bill No. 1729** -- Solid Waste Disposal - Expands definition of waste tire to include tire no longer suitable for its original intended purpose because of age in addition to wear, damage or defect under Solid Waste Management Act. Amends TCA Title 68, Chapter 211. by *McNally, *Harper. (HB1885)

Senate Bill No. 1884 -- Basic Education Program (BEP) - Allows use of portion of BEP non-class component capital outlay funds for funding of school bonds. Amends TCA Section 49-3-1005. by *McNally. (*HB1906)

Senate Bill No. 1937 -- Interstate Compacts - Enacts "Interstate Contracting for Federal Programs Act." Amends TCA Title 12. by *McNally, *Atchley, *Jordan, *Koella, *Ramsey, *Carter, *Eisea, *Person, *Leatherwood, *Crowe, *Williams. (*HB1812)

CONSENT CALENDAR

***House Bill No. 172** -- Sunset Laws - Tennessee neighborhood development corporation, June 30, 2000. Amends TCA Title 4, Chapter 29 and Title 13, Chapter 13. by *Kernell, *Garrett, *Brooks. (SB79 by *Springer)

On motion, House Bill No. 172 was made to conform with **Senate Bill No. 79**; the Senate Bill was substituted for the House Bill.

***House Bill No. 181** -- Sunset Laws - Post-conviction defender commission, June 30, 2001. Amends TCA Title 4, Chapter 29 and Title 40, Chapter 30. by *Kernell, *Garrett, *Brooks. (SB84 by *Springer)

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On motion, House Bill No. 181 was made to conform with **Senate Bill No. 84**; the Senate Bill was substituted for the House Bill.

***House Bill No. 189** -- Sunset Laws - Conservation commission, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 11, Chapter 2. by *Kernell, *Garrett, *Brooks. (SB92 by *Springer)

On motion, House Bill No. 189 was made to conform with **Senate Bill No. 92**; the Senate Bill was substituted for the House Bill.

***House Bill No. 193** -- Sunset Laws - Board for licensing health care facilities, June 30, 1998. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by *Kernell, *Garrett, *Brooks. (SB97 by *Springer)

On motion, House Bill No. 193 was made to conform with **Senate Bill No. 97**; the Senate Bill was substituted for the House Bill.

***House Bill No. 194** -- Sunset Laws - Terminates TennCare program cost savings suggestion award board. Amends TCA Title 4, Chapter 29 and Title 71, Chapter 5. by *Kernell, *Garrett, *Brooks. (SB98 by *Springer)

On motion, House Bill No. 194 was made to conform with **Senate Bill No. 98**; the Senate Bill was substituted for the House Bill.

***House Bill No. 197** -- Sunset Laws - Terminates 1996 Tennessee bicentennial commission, June 30, 1997. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 44. by *Kernell, *Garrett, *Brooks. (SB101 by *Springer)

On motion, House Bill No. 197 was made to conform with **Senate Bill No. 101**; the Senate Bill was substituted for the House Bill.

House Bill No. 277 -- Taxes, Sales - Extends sales tax exemption to 501(c)(13) not-for-profit cemetery companies. Amends TCA Section 67-6-322. by *Hood. (*SB166 by *Womack, *Atchley, *Burks, *Carter, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wildner, *Williams, *Womack)

On motion, House Bill No. 277 was made to conform with **Senate Bill No. 166**; the Senate Bill was substituted for the House Bill.

House Bill No. 526 -- County Officers - Upon adoption of resolution by 2/3 vote of Knox County legislative body, authorizes register to collect additional \$2.00 fee for each instrument to create, upgrade and maintain computerized document retrieval system. Amends TCA Section 8-21-1001. by *Boyer. (*SB496 by *Atchley, *McNally, *Gilbert)

On motion, House Bill No. 526 was made to conform with **Senate Bill No. 496**; the Senate Bill was substituted for the House Bill.

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***House Bill No. 528** -- Pensions and Retirement Benefits - Authorizes nonteacher former employees of Tennessee Appalachia Education Cooperative to become members of TCRS. Amends TCA Title 8, Chapter 35, Part 2. by *Windle. (SB857 by *Davis L, *McNally)

On motion, House Bill No. 528 was made to conform with **Senate Bill No. 857**; the Senate Bill was substituted for the House Bill.

House Bill No. 673 -- Highway Signs - "Veterans Memorial Bridge," Cumberland River, S.R. 49, Cheatham County. by *Williams (Williamson), *Davidson. (*SB216 by *Kurita)

On motion, House Bill No. 673 was made to conform with **Senate Bill No. 216**; the Senate Bill was substituted for the House Bill.

House Bill No. 1208 -- Metropolitan Government - Reduces from \$35,000 to \$25,000 minimum required county appropriation for metropolitan charter commission Amends TCA Title 7, Chapter 2. by *Turner (Shelby), *Kisber, *Chumney, *Cross, *Bird. (*SB827 by *Rochelle)

***House Bill No. 1250** -- Taxes, Sales - Clarifies present practices concerning taxation of manufactured housing. Amends TCA Section 67-6-209; Section 67-6-216; Section 67-6-336 and Section 67-6-702. by *Kisber, *Davis R, *Haley, *Hargett, *Pleasant, *McDaniel, *Stamps, *Walley, *Ford S, *Wood, *Patton, *Kerr, *Beavers, *Kent, *Bird, *Clabough, *McKee, *Newton, *Scroggs, *Walker, *McAfee, *Mumpower, *Roach, *Boyer. (SB1686 by *McNally, *Elsea, *Koella, *Haun, *Carter, *Ramsey, *Person, *Leatherwood, *Gilbert, *Jordan, *Miller J, *Fowler, *Crowe)

On motion, House Bill No. 1250 was made to conform with **Senate Bill No. 1686**; the Senate Bill was substituted for the House Bill.

House Bill No. 1368 -- Insurance Companies, Agents, Brokers - Restates and clarifies priorities of distribution from estates of insolvent insurance companies. Amends TCA Section 56-9-330. by *Sands. (*SB382 by *Atchley)

On motion, House Bill No. 1368 was made to conform with **Senate Bill No. 382**; the Senate Bill was substituted for the House Bill.

House Bill No. 1524 -- Public Officials - Provides for reimbursement of reasonable attorneys' fees for any public officer charged under ouster statute and restored or not removed from office. Amends TCA Section 8-47-121. by *Davidson. (*SB1410 by *Womack)

House Bill No. 1531 -- Boards and Commissions - Corrects date for mailing of renewal applications to employee assistance professionals; allows nationally recognized certificate holders to continue to be licensed in Tennessee without examination. Amends TCA Title 62, Chapter 42. by *Bone. (*SB273 by *Rochelle)

House Bill No. 1640 -- Municipal Government - Authorizes Mount Juliet to impose \$10.00 court cost on traffic and criminal violations for traffic regulation subject to local approval Amends TCA Title 6, Chapter 2. by *Beavers, *Bone. (*SB1722 by *Rochelle)

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On motion, House Bill No. 1640 was made to conform with **Senate Bill No. 1722**; the Senate Bill was substituted for the House Bill.

House Bill No. 1967 -- Townsend - Subject to local approval, revises charter. Amends Chapter 463 of the Private Acts of 1941; as amended. by *Clabough. (SB1974 by *Koella)

House Bill No. 1978 -- Humboldt - Subject to local approval, revises bonds of city officials and changes election date. Amends Chapter 253 of the Private Acts of 1978; as amended. by *Phelan. (SB1983 by *Carter)

House Bill No. 1982 -- Obion County - Subject to local approval, repeals requirement that tax assessor note and collect notation fee on all instruments vesting or divesting title or interest in real property prior to filing of instruments. - Repeals Chapter 260 of the Private Acts of 1961. by *Pinion.

House Bill No. 1983 -- Murfreesboro - Subject to local approval, requires competitive bidding procedures to be established for leases, purchases and lease-purchases in excess of \$7,500; requires public works projects in excess of \$10,000 to be executed by contract; makes certain surety requirements for contractors applicable to public works contracts in excess of \$25,000; establishes right to reject all bids made on public works projects; requires all advertisements to contain reservation of such right. Amends Chapter 429 of the Private Acts of 1931; as amended. by *Hood, *Eckles. (SB1991 by *Womack)

House Bill No. 1984 -- Murfreesboro - Subject to local approval, clarifies duties of mayor relative to signing ordinances and other legal documents and executing contracts on behalf of city. Amends Chapter 429 of the Private Acts of 1931; as amended. by *Hood, *Eckles. (SB1990 by *Womack)

***House Resolution No. 4** -- General Assembly, Review Or Ratification of Rules - Ratifies amendments to Rules of Evidence. by *Buck, *Jackson, *McMillan.

***House Resolution No. 6** -- General Assembly, Review Or Ratification of Rules - Ratifies amendments to Rules of Criminal Procedure. by *Buck, *Jackson, *McMillan.

***House Resolution No. 7** -- General Assembly, Review Or Ratification of Rules - Ratifies amendments to Rules of Appellate Procedure. by *Buck, *Jackson, *McMillan.

***House Resolution No. 13** -- General Assembly, Studies - Continues special committee created by HR 68 of 99th General Assembly to study issues related to driver licenses. by *Robinson.

***House Resolution No. 47** -- General Assembly, Review Or Ratification of Rules - Ratifies amendments to Rules of Civil Procedure. by *Buck.

***House Joint Resolution No. 25** -- General Assembly, Studies - Creates special joint committee composed of nine members to study issues relating to narcotics and enforcement of the drug laws. by *Buck.

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***House Joint Resolution No. 64** -- Memorials, Congress - Endorses and supports National Association of Insurance Commissioner of ERISA relative to self-insured and self-funded health care plans; urges Congress to enact such statutory reforms to ERISA. by *Bowers, *Pruitt, *Towns, *Cooper B, *Jones U (Shelby).

***House Joint Resolution No. 70** -- General Assembly, Studies - Creates special joint committee to study drug and alcohol treatment and cost effectiveness of state funds expended therefor. by *Fowlkes, *West.

House Joint Resolution No. 90 -- Naming and Designating - "Shriners' Week in Tennessee," May 12-18, 1997. by *Westmoreland.

House Joint Resolution No. 168 -- Naming and Designating - "Better Speech and Hearing Month," May 1997. by *Wood, *McAfee.

House Joint Resolution No. 220 -- Memorials, Academic Achievement - Tim Braden, 1997 Valedictorian, Anderson County High School. by *Caldwell.

Senate Joint Resolution No. 58 -- Naming and Designating - "Motorcycle Awareness Month," May 1997. by *Womack, *Kyle, *Dixon.

Senate Joint Resolution No. 160 -- Naming and Designating - "Police Memorial Day," May 14, 1997, "Police Memorial Week," May 11-17, 1997. by *Burks, *Kyle, *Womack, *Herron, *Rochelle, *Gilbert, *Graves, *McNally.

Senate Joint Resolution No. 191 -- Memorials, Sports - Pleasant View Christian School varsity cheerleaders. by *Kurita.

Senate Joint Resolution No. 192 -- Memorials, Sports - Pleasant View Christian School varsity boy's basketball team. by *Kurita.

Senate Joint Resolution No. 193 -- Memorials, Sports - Pleasant View Christian School junior varsity cheerleaders. by *Kurita.

Senate Joint Resolution No. 194 -- Memorials, Professional Achievement - DAR, Margaret Gaston Chapter, Lebanon, 100th anniversary. by *Rochelle.

OBJECTION -- CONSENT CALENDAR

Objection(s) was/were filed to the following on the Consent Calendar:

House Bill No. 1967 : by Rep. Clabough

Under the rules, House Bill No: 1967 was/were placed at the foot of the calendar for April 30, 1997.

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Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

***Senate Bill No. 1621** -- Equalization Board - Provides for county board of equalization members from each of the four largest cities in counties with populations from 10,000 to 60,000, rather than two largest cities, as under present law. Amends TCA Section 67-1-401. by *Leatherwood, *Person. (HB1456 by *Jones U (Shelby), *Kent, *Cross, *Turner (Shelby), *Brooks)

Further consideration of Senate Bill No. 1621, previously considered on April 14, 1997, and April 17, 1997, at which time the Senate Bill was substituted for the House Bill and the House was on the motion to adopt Amendment No. 1, and reset to today's Calendar.

Rep. U. Jones requested that Senate Bill No. 1621 be moved down 5 places on the Calendar.

House Bill No. 788 -- Domestic Violence - Requires valid orders of protection relating to domestic violence issued in another state be given full faith and credit for enforcement purposes by the courts of this state; provides procedure for filing foreign order with court clerk in this state Amends TCA Title 36, Chapter 3, Part 6. by *McMillan, *Eckles, *Chumney, *Turner (Hamilton), *Jones, S., *Pleasant, *Haley, *Hargett. (*SB529 by *Burks, *Kurita, *Harper, *Springer, *Carter, *Cohen, *Davis L, *Dixon, *Fowler, *Graves, *Haun, *Haynes, *Henry, *Herron, *Kyle, *Miller J, *Person, *Womack)

On motion, House Bill No. 788 was made to conform with Senate Bill No. 529; the Senate Bill was substituted for the House Bill.

Rep. McMillan moved that Senate Bill No. 529, be passed on third and final consideration.

On motion, Rep. Turner (Hamilton) withdrew Children & Family Affairs Committee Amendment No. 1.

Rep. McMillan moved that **Senate Bill No. 529** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1052 -- Domestic Violence - Permits court ordered mediation where order of protection in effect or where allegation of domestic violence but order of protection not in effect if victim requests mediation, mediator is certified and advocate for victim may be present Amends TCA Title 36. by *McMillan, *Eckles, *Chumney, *Turner (Hamilton), *Pleasant, *Haley, *Hargett. (*SB793 by *Burks)

Rep. McMillan moved that **House Bill No. 1052** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway,

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Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 789 -- Domestic Violence - Changes definition of "abuse" in domestic abuse part of TCA to "domestic abuse"; changes words "abuse" and "spousal abuse" throughout that part to "domestic abuse." Amends TCA Title 36, Chapter 3, Part 6. by *McMillan, *Eckles, *Chumney, *Turner (Hamilton). (*SB591 by *Kyle)

Rep. McMillan moved that House Bill No. 789 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 789 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 3. Tennessee Code Annotated, Section 36-3-606, is amended by adding the following as a new subsection:

() An order of protection issued pursuant to this part shall be valid and enforceable in any county of this state.

SECTION 4. Tennessee Code Annotated, Section 36-3-605, is amended by transferring the sentence that comprises subsection (d) to Tennessee Code Annotated, Section 36-3-617 and by inserting such sentence between the second and third sentences of § 36-3-617.

SECTION 5. The Tennessee Code Commission is directed to delete the catchline to Tennessee Code Annotated, Section 36-3-605 and substitute instead the following:

36-3-605. Protection Order---Extension--Hearing.--

On motion, Amendment No. 1 was adopted.

Rep. McMillan moved that **House Bill No. 789**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Buck -- 1.

A motion to reconsider was tabled.

House Bill No. 1901 -- Domestic Violence - Increases number of persons who may seek orders of protection in domestic abuse proceedings Amends TCA Title 36, Chapter 3, Part 6. by *McMillan, *Halteman Harwell, *Turner (Hamilton), *DeBerry L., *Naifeh, *Kisber, *Hargrove, *Maddox, *Jones, S., *Pleasant, *Haley, *Hargett, *Pruitt. (*SB1431 by *Person, *Haynes, *Harper, *Crowe)

Rep. McMillan moved that House Bill No. 1901 be passed on third and final consideration.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 1.

Rep. Turner (Hamilton) withdrew the motion to adopt Children and Family Affairs Committee Amendment No. 1.

Rep. Turner (Hamilton) withdrew Children and Family Affairs Committee Amendment No. 1.

Rep. Turner (Hamilton) moved adoption of Children and Family Affairs Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1901 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-3-601, is amended as follows:

(a) by inserting the words and punctuation "placing an adult or minor in fear of physical harm," after the words and punctuation "accidental means," in item (1);

(b) by inserting the words "or minor" after the words "on an adult" in item (1);

(c) by deleting the language of item (4) in its entirety;

(d) by deleting the language of item (9) in its entirety and by substituting instead the following:

(9) "Victim" means any person who falls within the following categories and who a law enforcement officer has determined is not a primary aggressor under the factors set out in § 36-3-619(c):

(A) Adults or minors who are current or former spouses;

(B) Adults or minors who live together or who have lived together;

(C) Adults or minors who are dating or who have dated or who have or had a sexual relationship, [as used herein "dating" and "dated" do not include fraternization between two (2) individuals in a business or social context];

(D) Adults or minors related by blood or adoption;

(E) Adults or minors who are related or were formerly related by marriage; or

(F) Adult or minor children of a person in a relationship that is described in subitem (A) through (E) above.

SECTION 2. Tennessee Code Annotated, Section 36-3-602, is amended by deleting the language of the section in its entirety and by substituting instead the following:

Any victim who has been subjected to, or threatened with or placed in fear of, abuse by an adult who falls into one of the categories set forth in § 36-3-601(9)(A) through (F) may seek relief under this part by filing a sworn petition alleging such abuse by the respondent.

Any petition filed by an unemancipated person under eighteen (18) years of age shall be signed by one (1) of that person's parents or by that person's guardian.

SECTION 3. Tennessee Code Annotated, Section 36-3-604(b)(1), is amended as follows:

(a) by deleting the language of item 2. in its entirety and by substituting instead the following:

2. Petitioner is an adult or minor and respondent is an adult::

(A) who are current or former spouses; or

(B) who live together or who have lived together; or

(C) who are dating or who have dated or who have or had a sexual relationship, [as used herein "dating" and "dated" do not include fraternization between two (2) individuals in a business or social context]; or

(D) who are related by blood or adoption; or

(E) who are related or were formerly related by marriage; or

(F) who are adult or minor children of a person in a relationship that is described in subitems (A) through (E) above.

(b) by inserting the words and punctuation ", or has placed petitioner in fear of physical harm" at the end of the first sentence in item 4.

SECTION 4. Tennessee Code Annotated, Section 36-3-615, is amended by deleting the language of subsection (a) in its entirety and by substituting instead the following:

(a) After an adult, who falls into one of the categories set forth in Section 36-3-601(9)(A) through (F), has been arrested for assault pursuant to § 39-13-101, or aggravated assault pursuant to § 39-13-102 against a victim as defined in this part, the arresting officer shall inform the victim that the person arrested may be eligible to post bond for the offense and be released until the date of trial for the offense.

SECTION 5. Tennessee Code Annotated, Section 36-3-620, is amended by deleting the words "family or household member" wherever they appear in the section and by substituting instead the word "victim".

SECTION 6. Tennessee Code Annotated, Section 40-35-303(m), is amended by deleting the words, figures and symbols "in which the victim of the offense is a family or household member, as defined in § 36-3-601," and by substituting instead the following:

in which the victim falls within the definition set forth within § 36-3-601(9),

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. McMillan moved that **House Bill No. 1901**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Buck, Pinion -- 2.

A motion to reconsider was tabled.

House Bill No. 1193 -- General Assembly - Creates commission to recommend appropriate compensation for members of general assembly Amends TCA Title 3, Chapter 1. by *Kerr. (*SB1277 by *Koella)

Rep. Kernell moved that House Bill No(s). 1193 be reset for the Regular Calendar on May 12, 1997, which motion prevailed.

***Senate Bill No. 1621** -- Equalization Board - Provides for county board of equalization members from each of the four largest cities in counties with populations from 10,000 to 60,000, rather than two largest cities, as under present law. Amends TCA Section 67-1-401. by *Leatherwood, *Person. (HB1456 by *Jones U (Shelby), *Kent, *Cross, *Turner (Shelby), *Brooks)

Further consideration of Senate Bill No. 1621, previously considered on today's Calendar.

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Rep. U. Jones moved that Senate Bill No(s). 1621 be reset for the Regular Calendar on Wednesday, April 30, 1997, which motion prevailed.

House Bill No. 1736 -- Surveyors - Sets licensing requirements for land surveyors beginning July 1, 2003. Amends TCA Section 62-18-109. by *Garrett. (*SB433 by *Haynes)

On motion, House Bill No. 1736 was made to conform with **Senate Bill No. 433**; the Senate Bill was substituted for the House Bill.

Rep. Garrett moved that Senate Bill No. 433, be passed on third and final consideration.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Garrett requested that Senate Bill No. 433 be moved down 5 places on the Calendar.

House Bill No. 1202 -- Fees - Increases probate court clerk fees in Shelby County. Amends TCA Section 8-21-401. by *DeBerry J, *Kent. (*SB731 by *Person, *Person)

Rep. J. DeBerry moved that House Bill No(s). 1202 be reset for the Regular Calendar on Wednesday, April 30, 1997, which motion prevailed.

***House Bill No. 1687** -- Civil Procedure - Expands personal jurisdiction and out-of-state service of process based on enduring relationship or conduct; provides for personal jurisdiction on any basis authorized by law or by state or federal constitution. Amends TCA Title 20, Chapter 2. by *Buck. (SB1831 by *Haynes)

On motion, House Bill No. 1687 was made to conform with **Senate Bill No. 1831**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 1831 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1831 by deleting from Section 20-2-224 of the amendatory language of SECTION 1 the language "or a otherwise" and substituting instead the language "or as otherwise".

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **Senate Bill No. 1831**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 440** -- Uniform Commercial Code - Rewrites process for filing continuation of financing statements by secured parties; clarifies changes made when law revised in 1996 (Chapter 1073, Public Acts of 1996). Amends TCA Title 47, Chapter 9. by *Fowlkes, *Chumney, *Fitzhugh. (SB1531 by *Crutchfield)

On motion, House Bill No. 440 was made to conform with **Senate Bill No. 1531**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 1531, be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Fowlkes moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1531 by deleting Section 4, as amended, in its entirety and by renumbering subsequent sections accordingly.

On motion, Amendment No. 2 was adopted.

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Rep. Fowlkes moved that **Senate Bill No. 1531**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

***House Bill No. 495 --** County Government - Authorizes county legislative bodies to control litter on public or private property by resolution and to impose civil penalty instead of criminal penalty. Amends TCA Title 39, Chapter 14, Part 5. by *Gunnels. (SB929 by *Miller J)

On motion, House Bill No. 495 was made to conform with **Senate Bill No. 929**; the Senate Bill was substituted for the House Bill.

Rep. Gunnels moved that Senate Bill No. 929, be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Gunnels moved that **Senate Bill No. 929** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr,

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Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1089 -- Tennessee Regulatory Authority - Changes designation from "directors of Tennessee regulatory authority" to "commissioners"; changes designation of "executive secretary" to "executive director." Amends TCA Title 65, Chapter 2, Part 1. by *Halteman Harwell. (*SB1602 by *Gilbert, *Atchley, *Crutchfield, *Elsea, *Haynes)

Rep. Halteman Harwell moved that House Bill No(s). 1089 be reset for the Regular Calendar on Thursday, May 1, 1997, which motion prevailed.

House Bill No. 1736 -- Surveyors - Sets licensing requirements for land surveyors beginning July 1, 2003. Amends TCA Section 62-18-109. by *Garrett. (*SB433 by *Haynes)

Further consideration of House Bill No. 1736, previously considered on today's Calendar.

Rep. Garrett moved that House Bill No(s). 1736 be reset for the Regular Calendar on Monday, May 5, 1997, which motion prevailed.

***House Bill No. 631** -- Municipal Government - Requires copy of municipal audit report to be placed in public library and if municipality permits access to public information through the Internet then copy to be placed on homepage. Amends TCA Title 6, Chapter 56. by *Turner (Hamilton). (SB1516 by *Crutchfield)

Rep. Turner (Hamilton) moved that House Bill No. 631 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 631 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 6-56-104, is amended by adding the following new subsection:

(c) The municipality shall place a copy of the result of each audit in the main branch of the public library located within the boundaries of the municipality. A municipality that permits access to public information through the Internet may also place a copy on the municipality's homepage.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Turner (Hamilton) moved that **House Bill No. 631**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 632** -- Municipal Government - Requires city that receives community development block grant funds to distribute report of such funds in each branch of public library and if municipality permits access to public information through the Internet, then a copy to be placed on homepage. Amends TCA Title 6, Chapter 54. by *Turner (Hamilton). (SB1517 by *Crutchfield)

Rep. Turner (Hamilton) moved that House Bill No. 632 be passed on third and final consideration.

Rep. Langster moved adoption of State and Local Government Committee Amendment No. 1 as follows:
Amendment No. 1

AMEND House Bill No. 632 by deleting from the amendatory language in subsections (a) and (b) of Section 1 the language "in each branch of a public library" and by substituting instead the language "in the main branch of the public library".

AND FURTHER AMEND by deleting from the amendatory language in subsections (a) and (b) of Section 1 the language "Internet shall also place" and by substituting instead the language "Internet may also place".

On motion, Amendment No. 1 was adopted.

Rep. Turner (Hamilton) moved that **House Bill No. 632**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1265** -- Sentencing - Institutes technical violator unit as alternative to state penal facility confinement. Amends TCA Title 40, Chapter 20. by *Westmoreland, *Davis R, *Haley, *Hargett, *Pleasant, *McDaniel, *Stamps, *Walley, *Ford S, *Wood, *Patton, *Kerr, *Beavers, *Kent, *Bird, *Clabough, *McKee, *Newton, *Scroggs, *Godsey, *Halteman Harwell, *Goins, *Walker, *McAfee, *Mumpower, *Roach, *Boyer. (SB1661 by *Fowler, *Elsea, *McNally, *Atchley, *Person, *Gilbert, *Jordan, *Koella, *Haun, *Carter, *Ramsey, *Leatherwood, *Miller J)

Rep. Westmoreland moved that House Bill No(s). 1265 be reset for the Regular Calendar on Thursday, May 1, 1997, which motion prevailed.

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House Bill No. 600 -- Public Records - Makes confidential riot, escape and emergency transport plans of county jails and workhouses Amends TCA Section 10-7-504. by *Westmoreland, *McDonald, *Mumpower, *Godsey, *Bird, *Cole (Dyer). (*SB795 by *Henry, *Ramsey, *Crutchfield)

Rep. Westmoreland moved that House Bill No. 600 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 600 by deleting from subsection () of the amendatory language of SECTION 1 the language "plans of county" and substituting instead the language "plans which are incorporated in a policy and procedures manual of county".

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 600 by deleting from subsection () of the amendatory language of SECTION 1 the language "workhouses shall" and substituting instead the language "workhouses or prisons operated by the department of correction or under private contract shall".

On motion, Amendment No. 2 was adopted.

Rep. Westmoreland moved that **House Bill No. 600**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes98
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

MESSAGE CALENDAR

MOTION TO RECONSIDER

Rep. J. DeBerry moved to lift from the table the motion to reconsider Senate Bill No. 51, which motion prevailed.

***Senate Bill No. 51** -- Landlord and Tenant - Authorizes landlord or owner of real property to terminate rental agreements if property subject to rental agreement being used in sale, manufacture or use of drugs in Davidson and Shelby counties. Amends TCA Title 66, Chapter 7, by *Person, *Cohen, *Dixon, *Ford J., *Leatherwood, *Gilbert, *Jordan, *Carter, *Atchley, *McNally, *Elsea, *Fowler, *Crowe, *Miller J., *Ramsey, *Williams, *Koella, *Cooper, *Haun, *Harper, *Burks, *Crutchfield, *Davis L., *Graves, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Person, *Rochelle, *Springer, *Wilder, *Womack. (HB583 by *DeBerry J., *Chumney, *Kent, *Hargett, *Haley, *Hassell, *DeBerry L., *Scroggs, *Jones U (Shelby), *Turner (Shelby), *Brooks, *Pleasant, *Towns, *Maddox, *Fitzhugh, *White, *Sands, *Bone, *Hood, *Caldwell, *Langster, *Cooper B, *Miller L., *Pruitt, *Walley, *McDaniel, *Boner, *Bittle, *Dunn, *Goins, *Beavers, *Newton)

Rep. J. DeBerry moved to reconsider action in passing Senate Bill No. 51, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment No. 2. On motion, Amendment No. 2 was withdrawn.

On motion, the House reconsidered its action in adopting Amendment No. 8. On motion, Amendment No. 8 was withdrawn.

Rep. J. DeBerry moved that **Senate Bill No. 51** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 202** -- Claims Commission, Tennessee - Provides for suspension of compensation for commissioners who fail to decide claims within 180 days after hearing or submission of affidavits Amends TCA Title 9, Chapter 8. by *Kisber. (SB113 by *Cooper)

Senate Amendment No. 3

AMEND House Bill No. 202 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 9-8-403(a)(1), is amended by deleting the words "same rules of appellate procedure which govern appeals of final judgments entered in civil actions by trial courts" and by substituting instead the words "the same rules of appellate procedure which govern interlocutory appeals and appeals from final judgments in trial court civil actions".

Senate Amendment No. 5

AMEND House Bill No. 202 by deleting subsection (c) from the amendatory language in SECTION 2 of the original bill, as amended by House Amendment No. 2, and by substituting instead the following:

(c) The authority to appoint, terminate and control the staff of the commission shall rest with the state treasurer; provided, however, the individual claims commissioners may appoint, terminate and control the staff personnel assigned to their respective offices. All decisions relative to compensation of the staff of the commission, including the staff positions assigned to the individual commissioners, shall be subject to the approval of the state treasurer. The individual claims commissioners shall consult with the state treasurer prior to taking any personnel action with respect to the staff personnel assigned to their respective offices, and the state treasurer shall consult with the members of the claims commission prior to taking any personnel action for all other staff of the commission.

AND FURTHER AMEND by deleting the second sentence from the amendatory language in SECTION 7 of the original bill, as amended by House Amendment No. 2, and by substituting instead the following:

Except as provided by Section 29-13-109, such order need not include findings of fact and conclusions of law unless requested by the claimant.

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 3 and 5 to **House Bill No. 202**, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kiser, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 417** -- Equalization Board - Makes present salary cap of \$40.00 per day for members of county board of equalization and \$50.00 per day for chair minimum salary with continued authority of county legislative body to set salary Amends TCA Section 67-1-403. by *Givens. (SB625 by *Williams)

Senate Amendment No. 1

AMEND House Bill No. 417 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-1-403(d), is amended by deleting the second sentence and substituting instead the following:

The county legislative body shall by resolution establish the compensation of the members and the chair of the county board of equalization.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Givens moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 417**, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kiser, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway,

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Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 848 -- County Officers - Authorizes county legislative body to set term of office of constables or abolish constables and to remove law enforcement powers Amends TCA Title 8, Chapter 10. by *Curtiss, *Patton. (*SB632 by *Person)

Senate Amendment No. 2

AMEND House Bill No. 848 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

67,600

nor more than

67,900

Senate Amendment No. 7

AMEND House Bill No. 848 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Senate Amendment No. 8

AMEND House Bill No. 848 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than eighty-five thousand eight hundred (85,800) nor more than eighty-six thousand one hundred (86,100) according to the 1990 federal census or any subsequent federal census.

Rep. Curtiss moved that the House concur in Senate Amendment(s) No(s). 2, 7, 8 to House Bill No. 848, which motion prevailed by the following vote:

Ayes90
Noes4

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Wood, Mr. Speaker Naifeh -- 90.

Representatives voting no were: Maddox, Pinion, Windle, Winningham -- 4.

A motion to reconsider was tabled.

Senate Amendment No. 3

AMEND House Bill No. 848 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
73,500	73,900
31,100	31,400
30,500	30,800
13,625	13,675

Senate Amendment No. 5

AMEND House Bill No. 848 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than

21,400

54,600

80,000

nor more than

27,700

55,000

83,000

Senate Amendment No. 9

AMEND House Bill No. 848 by deleting from the amendatory language of the unnumbered Section added by Senate Amendment No. 5 (DE No. 00279895) the figures "27,700" and by substituting instead the figures "21,700".

Rep. Curtiss moved that the House nonconcur in Senate Amendment(s) No(s). 3, 5 and 9 to **House Bill No. 848**, which motion prevailed.

Senate Bill No. 1655 -- Weights and Measures - Enacts "Testing and Sealing -- Use of Weights and Measures." Amends TCA Title 47, Chapter 26. by *Jordan, *Elsea, *McNally, *Atchley, *Person, *Koella, *Carter, *Ramsey, *Leatherwood, *Gilbert, *Miller J, *Fowler. (*HB1249 by *Boyer, *Haley, *Hargett, *Pleasant, *McDaniel, *Stamps, *Walley, *Ford S, *Wood, *Patton, *Kerr, *Beavers, *Kent, *Bird, *Clabough, *McKee, *Sargent, *Newton, *Scroggs, *Godsey, *Walker, *McAfee, *Mumpower, *Roach)

Rep. Boyer moved that Senate Bill No(s). 1655 be reset for the Message Calendar on Thursday, May 1, 1997, which motion prevailed.

UNFINISHED BUSINESS

MESSAGE FROM THE SENATE

April 28, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 224; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 224 -- Memorials, Professional Achievement - John T. Murphy Tractor Company, 50th anniversary. by *Kyle.

RULES SUSPENDED

Rep. Kisber moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 224 out of order, which motion prevailed.

Senate Joint Resolution No. 224 -- Memorials, Professional Achievement - John T. Murphy Tractor Company, 50th anniversary. by *Kyle.

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On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Kisber, the resolution was concurred in.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

April 28, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 216; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 216 -- Memorials, Recognition and Thanks - Gary W. Cunningham, 1997 Good Guy Award. by *Henry.

RULES SUSPENDED

Rep. Halteman Harwell moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 216 out of order, which motion prevailed.

Senate Joint Resolution No. 216 -- Memorials, Recognition and Thanks - Gary W. Cunningham, 1997 Good Guy Award. by *Henry.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Halteman Harwell, with the request that all members voting aye be added as sponsors, the resolution was concurred in

RULES SUSPENDED

Rep. Pinion moved to suspend the rules to allow Senate Joint Resolution No. 85 to be heard in the Higher Education Subcommittee of the House Education Committee on Tuesday, April 29, 1997, which motion prevailed.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1553: Rep(s). Buck as first prime sponsor(s).

SIGNED

April 28, 1997

The Speaker signed the following: Senate Bill(s) No(s). 7, 520, 1077, 1177, 1181, 1257, 1330 and 1700.

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ENROLLED BILLS

April 28, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 57, 276, 1099, 1174, 1268, 1280, 1658, 1689, 1750, 1969, 1970, 1971, 1972, 1974 and 1976; House Joint Resolution(s) No(s). 204.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 28, 1997

The Speaker signed the following: House Bill(s) No(s). 57, 276, 1099, 1174, 1268, 1280, 1658, 1689, 1750, 1969, 1970, 1971, 1972, 1974 and 1976; House Joint Resolution(s) No(s). 204.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 28, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 215; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 195, 197, 200, 201 and 202; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 28, 1997

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 600, 631, 632, 789, 1052, 1208, 1524, 1531, 1901, 1978, 1982, 1983 and 1984, also, House Joint Resolution(s) No(s) 25, 64, 70, 90, 168 and 220.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1971; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 28, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 284, 459, 1121 and 1814; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present.....98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 2:00 p.m., Wednesday, April 30, 1997.